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10/077,359	02/15/2002	Peter J. Spransy	4764US	2495

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 10/077,539	Applicant(s) PETER SPRANSY ET AL
Examiner YVONNE M. HORTON	Art Unit 3635

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Feb 15, 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-8, 10-12, and 14-20 is/are rejected.

7) Claim(s) 9, 13, and 21 is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on May 28, 2002 is/are a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

6) Other: _____

Art Unit: 3635

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "77" has been used to designate both a "first section", an "inward directed section", and a "connector assembly". Also, reference character "86" has been used to designate both a "sealing structure" and a "connection member". The applicant is advised to proofread his specification for similar problems and make the correction accordingly. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: there is no support in the specification for a "first interconnection member". Clarification is required.

Double Patenting

3. Claim 21 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 20. When two claims in an application are duplicates or else are so close in content that they both

Art Unit: 3635

cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 10-12,14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 10 and 11 recite the limitation "said second interconnection member" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 9 introduces a second interconnection member; however there is no mention of a second interconnection member in claim 4, and claims 10 and 11 depend on claim 4.

7. Claim 11 is confusing in that it is not clear if the second interconnecting member and the second interconnection members are the same or different elements of the invention. Further, it is not clear how, if they are the same elements, the second interconnecting member can be elevationally above the second interconnection member. Clarification is required.

Art Unit: 3635

8. Claims 14-16 are recites the limitation "said threaded opening", "said abutment", and "said threaded bolt"; respectively, in lines 1 and 2. There is insufficient antecedent basis for these limitations in the claim. Claim 13 defines a threaded opening, an abutment, and a threaded bolt; however, there is no mention of a threaded opening, an abutment, and a threaded bolt in claim 4 and claim 14 depends upon claim 4. Clarification and correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

a person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1,4,5-8,,11,12,17,18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,128,983 to MATSUBARA. MATSUBARA discloses a panel assembly including a first panel (11A) having first inner sidewall (colored red) defining a first passageway forming a slot (13'), a second panel (11B) having a second inner sidewall (colored blue) defining a second passageway (14'), and a connection member (17', 18') slidingly received in the first passageway (13') and partially received in the second passageway (14') such that the connection member (17',18') expandingly engages the first sidewall (colored red), column 4, lines 4-6. Regarding claim 4, the connection member (17',18') includes first/second elongate members

Art Unit: 3635

(53) connected by a first interconnection member (51); wherein flexibility of the first interconnection member allows for spatial orientation of the connection member (17',18') In reference to claims 5 and 6, the first./second interconnection members (53) each have longitudinal axis (LA1, LA2); respective, wherein the longitudinal axis are parallel and the first/second interconnection members (53) adjust laterally with regards to one another, see the marked attachment. Regarding claims 7 and 8, the first interconnection member (53) is operative to adjust the spacing of the longitudinal axis (LA1, LA2) and is positioned in the slot (13'). In reference to claim 11, the first/second interconnection members (53) are positioned elevationally with regards to one another. Regarding claim 12, the length (L) of the slot (13',14') is larger than the distance (D) between the first/second interconnection members (53), see the marked attachment. In reference to claims 17,18 and 20, there are a plurality of panels (AA, 11B), see figure 1, and the first (11A) and second (11B) panels each have faces that face in the same direction such that the first panel (11A) has a first primary face (a) and the second panel (11B) has a second primary face (B) adjacent to the first primary face (a).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

Art Unit: 3635

person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 2,3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,128,983 to MATSUBARA. As detailed above, MATSUBARA discloses the basic claimed panel assembly except for the second panel being elevated above the first panel whereby the first passageway and the second passageway have a common vertical axis. THE panel assembly of MATSUBARA details a horizontal panel arrangement. However, it would have been obvious to one having ordinary skill in the art that the panels could have been arranged one atop the other such that the panels share a common vertical axis. Regarding claim 19, MATSUBARA discloses that his panels may be formed from metal or plastic. Both of these materials may be extruded. The applicant is reminded that the claims are drawn to a panel assembly and not to a method. Thus, the method of forming a device does no differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

Art Unit: 3635

Allowable Subject Matter

14. Claims 9 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
15. Claims 10 and 14-16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.

YMH 

April 7, 2003

United States Patent [19]

Matsubara

[11] 4,128,983

[45] Dec. 12, 1978

[54] PANEL CONNECTOR ASSEMBLY

[75] Inventor: Isamu Matsubara, Nyuzen, Japan

[73] Assignee: Yoshida Kogyo K.K., Tokyo, Japan

[21] Appl. No.: 844,910

[22] Filed: Oct. 25, 1977

[30] Foreign Application Priority Data

Oct. 30, 1976 [JP] Japan 51-146376[U]

[51] Int. Cl. 2 E04C 3/06

[52] U.S. Cl. 52/731; 52/461;

52/238; 52/403

[58] Field of Search 52/461-465,
52/403, 582, 584, 238, 241, 395, 731; 42/396;
403/406, 407

[56] References Cited

U.S. PATENT DOCUMENTS

3,057,444 10/1962 Walberg 52/461
3,512,819 5/1970 Morgan et al. 52/461

FOREIGN PATENT DOCUMENTS

228144 5/1960 Australia 52/461
1350917 4/1974 United Kingdom 52/403

Attorney, Agent, or Firm—Hill, Gross, Simpson, Van Santen, Steadman, Chiara & Simpson

[57] ABSTRACT

A connector assembly for connecting two panels edge to edge with a joint opening therebetween, each of the panels having a groove extending longitudinally along such edge thereof. The connector assembly comprises: a pair of oppositely disposed, elongated first and second members having first and second plug means adapted to be secured to the panels along their respective panel grooves; a pair of opposed first and second front arm means adapted to be disposed adjacent to one face of the joint opening, and carried by the first and second members along their respective front longitudinal edges; a pair of opposed first and second rear arm means adapted to be disposed adjacent to the opposite face of the joint opening, and carried by the first and second members along their respective rear longitudinal edges; and a pair of elongated front and rear third members for covering the joint opening on opposite faces, and holding the pair of front arm means and the pair of rear arm means, respectively, whereby the first and second members are secured to each other.

6 Claims, 3 Drawing Figures

Primary Examiner—James L. Ridgill, Jr.

